

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

IN RE:)	TERMINATION OF
John P. Cederna, M.D.)	CONSENT AGREEMENT
)	FOR CONDITIONAL
)	LICENSURE

This document terminates a Consent Agreement that became effective September 19, 2006, regarding the issuance of a conditional active license to practice medicine in the State of Maine to John P. Cederna, M.D. The parties to that Consent Agreement were: John P. Cederna, M.D. ("Dr. Cederna"), the State of Maine Board of Licensure in Medicine ("the Board"), and the Office of the Attorney General (the "Attorney General").

BACKGROUND

1. On September 19, 2006, the parties entered into a Consent Agreement For Conditional Licensure.

2. On August 21, 2014, the Board received a written request from Dr. Cederna to terminate the Consent Agreement For Conditional Licensure. In support of his request, Dr. Cederna explained the circumstances that led to his Consent Agreements with the Board. In addition, Dr. Cederna described in detail his current post-surgical process for patient follow-up and contact. According to Dr. Cederna, releasing him from the Consent Agreement would not change his medical practice.

3. On September 9, 2014, the Board reviewed Dr. Cederna's written request to terminate the Consent Agreement For Conditional Licensure, his prior compliance with its terms and conditions, and his successful practice of medicine thereunder. Since the Consent Agreement was entered into in 2006, the Board has had no complaints against Dr. Cederna regarding this issue. Following its review, the Board voted to grant

Dr. Cederna's request to terminate the Consent Agreement For Conditional Licensure based upon his compliance with the terms and conditions of the Consent Agreement for eight years.

COVENANT

4. Dr. Cederna, the Board, and the Office of Attorney General hereby agree to terminate the Consent Agreement For Conditional License dated September 19, 2006.

I, JOHN P. CEDERNA, M.D., HAVE READ AND UNDERSTAND THE FOREGOING TERMINATION TO THE CONSENT AGREEMENT FOR CONDITIONAL LICENSURE AND AGREE WITH ITS CONTENTS AND TERMS. I ACKNOWLEDGE THAT I HAVE HAD THE OPPORTUNITY TO DISCUSS THIS AGREEMENT WITH LEGAL COUNSEL PRIOR TO SIGNING IT.

Dated:

9/17/14

John P. Cederna, MD
JOHN P. CEDERNA, M.D.

STATE OF MAINE
BOARD OF LICENSURE IN
MEDICINE

DATED:

9/27/14

Maroulla S. Gleaton, MD
MAROULLA S. GLEATON, M.D.,
Chairman

STATE OF MAINE OFFICE
OF THE ATTORNEY GENERAL

DATED:

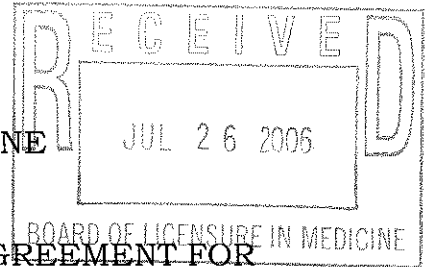
9/26/14

Dennis E. Smith
DENNIS E. SMITH
Assistant Attorney General

Effective Date:

9/26/14

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE



In re:)
John P. Cederna, M.D.)
Application for Licensure)

CONSENT AGREEMENT FOR
CONDITIONAL LICENSE

This document is a Consent Agreement regarding licensing action involving the license application of John P. Cederna, M.D. to practice medicine in the State of Maine. The effect of this Consent Agreement is to issue a conditional license to practice medicine to John P. Cederna, M.D. The parties to this Consent Agreement are: John P. Cederna, M.D. ("Dr. Cederna"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Office of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 10 M.R.S.A. § 8003(5)(B) and 32 M.R.S.A. § 3282-A.

STATEMENT OF FACTS

1. Dr. Cederna was first licensed to practice medicine in the State of Maine in 1989.
2. On March 13, 2000, Dr. Cederna signed a Consent Agreement in which he acknowledged that communication with patients following their surgical procedures could have been handled in a more effective and direct manner. As a result, Dr. Cederna, among other things, agreed to establish an on-going coverage arrangement with a surgical specialist and provide the Board with documentation of this arrangement. In addition, Dr. Cederna agreed that,

if he failed to provide coverage for himself, he would immediately notify the Board and be subject to potential disciplinary action. A copy of that Consent Agreement is attached to this Consent Agreement as "Exhibit A."

3. On December 17, 2002, Dr. Cederna signed a second Consent Agreement for not complying with the prior Consent Agreement by failing to make appropriate arrangements for follow-up care for patients when he closed his practice. Dr. Cederna agreed that such conduct constituted unprofessional conduct in violation of 32 M.R.S.A. § 3282-A(2)(F) and, as discipline, accepted a Reprimand. A copy of that second Consent Agreement is attached to this Consent Agreement as "Exhibit B."

4. On January 23, 2003, Dr. Cederna's Maine medical license lapse because he failed to timely renew it in accordance with 32 M.R.S.A. § 3280-A.

5. On November 14, 2005, the Board received an application for medical licensure from Dr. Cederna.

6. On March 14, 2006, in light of Dr. Cederna's prior history, the Board voted to grant Dr. Cederna a conditional license to practice medicine in the State of Maine. Absent Dr. Cederna's acceptance of this Consent Agreement by signing it and dating it in front of a notary public and returning it to Daniel Sprague, Assistant Executive Director, Maine Board of Licensure in Medicine on or before July 23, 2006, the Board shall preliminarily deny Dr. Cederna's pending application for a Maine medical license.

COVENANTS

7. Dr. Cederna admits that his prior history could constitute grounds for the denial of his application for medical licensure pursuant to 32 M.R.S.A. § 3282-A(2)(F).

8. In light of the admission in paragraph 7 above, the Board and Dr. Cederna agree that Dr. Cederna will be issued a conditional license to practice medicine in the State of Maine. Until this Consent Agreement is modified in writing by all of the parties hereto, Dr. Cederna's license to practice medicine shall be subject to the following condition(s):

- a. Dr. Cederna shall establish and maintain an on-going coverage arrangement with a surgical specialist to ensure proper follow-up care and communication with his patients;
- b. Dr. Cederna shall provide the Board, prior to the issuance of his Maine medical license, with documentation of the coverage arrangement, including the name(s), address(es), and telephone number(s) of the covering surgical specialist(s);
- c. Dr. Cederna shall notify the Board in writing immediately concerning any changes to (*i.e.* additions or deletions) the name(s), address(es), and telephone number(s) of the covering surgical specialist(s); and
- d. Dr. Cederna shall immediately notify the Board if he fails to provide such coverage for his patients.

9. Violation of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline, including modification, suspension, or revocation of licensure or the denial of re-licensure.

10. Pursuant to 10 M.R.S.A. § 8003(5)(B) the Board and Dr. Cederna agree that, in addition to any other disciplinary action available to it by law, the Board has the authority to issue an order modifying, suspending, or revoking his license in the event that he fails to comply with any of the terms or conditions of this Consent Agreement.

11. This Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto. Dr. Cederna waives his right to any hearings in this matter and any appeals to any court regarding this Consent Agreement. This Consent Agreement constitutes final action by the Board.

12. The Board and the Attorney General shall have complete access to Dr. Cederna's practice records to ensure that he is in compliance with the terms and conditions of this Consent Agreement.

13. The Board and the Attorney General may communicate and cooperate regarding Dr. Cederna's practice or any other matter relating to this Consent Agreement.

14. This Consent Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.

15. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

16. Since this Consent Agreement does not impose any restrictions upon Dr. Cederna's license to practice medicine in this State, the Board and Dr. Cederna agree that this Consent Agreement does not constitute "adverse action" against his license, and, as such, that this Consent Agreement is not reportable to the National Practitioner Data Bank (NPDB) or the Healthcare Integrity and Protection Data Bank (HIPDB).

17. Dr. Cederna has been represented by Robert O. Newton, Esq., who has participated in the negotiation of this Consent Agreement.

I, JOHN P. CEDERNA, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE TO IT TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS DOCUMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO FURTHER HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR TOHERWISE. THIS AGREEMENT IS ENTERED INTO FREELY AND WILLINGLY.

DATED:

7/25/06

 MD

JOHN P. CEDERNA, M.D.

STATE OF

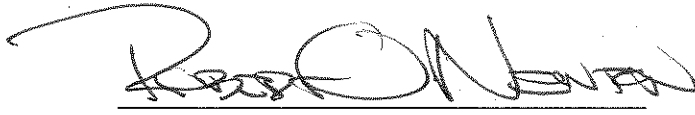
MAINE

CUMBERLAND COUNTY, S.S.

Personally appeared before me the above-named John P. Cederna, M.D., and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

DATED:

7/25/06



NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS:

DATED:

7/25/06



ROBERT O. NEWTON, ESQ.
ATTORNEY FOR DR. CEDERNA

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED:

9-19-06



EDWARD DAVID, M.D., Chairman

STATE OF MAINE OFFICE
OF THE ATTORNEY GENERAL

DATED:

9/19/06



DENNIS E. SMITH
Assistant Attorney General

APPROVED
EFFECTIVE:

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	CONSENT
John P. Cederna, M.D.)	AGREEMENT

This document is a Consent Agreement entered into by John P. Cederna, M.D. ("the Licensee"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Department of the Attorney General, pursuant to 10 M.R.S.A. § 8003(5)(B) and 32 M.R.S.A. § 3282-A.

STATEMENT OF FACTS

1. At all times material to this Agreement, the Licensee held a license to practice medicine in the State of Maine.
2. On March 13, 2000, the Licensee signed a Consent Agreement with the Board that required him to provide the Board with documentation of his coverage arrangements for his practice. The Board did not receive the required documentation until after the Licensee had closed his practice in Maine in October, 2001.
3. In 2002, the Board received complaints from former patients of the Licensee who were unable to contact him or obtain copies of their records.
4. The Licensee is no longer licensed to practice medicine in Maine.

AGREEMENT

In order to avoid an adjudicatory hearing, the Licensee agrees to the following:

1. The Board has jurisdiction of the Licensee and the actions which gave rise to the complaint pending before the Board.
2. The Licensee's failure to comply with his prior Consent Agreement with the Board and his failure to make appropriate arrangements which he closed his practice constitutes unprofessional conduct and is subject to discipline pursuant to 32 M.R.S.A. § 3282-A(2)(F).
3. The Licensee agrees to accept a **REPRIMAND** as discipline.
4. The Licensee waives his right to a hearing before the Board or any Court regarding all findings, terms and conditions of this Consent Agreement.
5. The Licensee has been informed of his right to be represented by legal counsel and has negotiated this Consent Agreement in his own behalf.

I, JOHN P. CEDERNA, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED:

12/17/02



JOHN P. CEDERNA, M.D.

STATE OF Maine
County of Penobscot S.S.

Personally appeared before me the above-named John P. Cederna, M.D., and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

DATED: 12/17/02

[Signature]

NOTARY PUBLIC/ ATTORNEY

MY COMMISSION ENDS:

6/27/04



STATE OF MAINE
 BOARD OF LICENSURE IN MEDICINE

DATED: 1/14/03

[Signature]

EDWARD DAVID, M.D., Chairman

STATE OF MAINE DEPARTMENT
 OF THE ATTORNEY GENERAL

DATED: 1/14/03

[Signature]
 RUTH E. McNIFF
 Assistant Attorney General

APPROVED
 EFFECTIVE: 1/14/03

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	CONSENT
John P. Cederna, M.D.)	AGREEMENT

This document is a Consent Agreement is entered into by John P. Cederna, M.D. ("the Licensee"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Department of the Attorney General, pursuant to 10 M.R.S.A. §8003(5)(b) and 32 M.R.S.A. §3282-B.

STATEMENT OF FACTS

1. The Licensee has been licensed to practice medicine in the State of Maine since 1989.
2. In 1998, the Board received complaints from two patients who criticized the Licensee's care and availability to them post-surgery.
3. Patient A had a surgical procedure in the Licensee's office. She complained of poor follow-up and inability to speak directly with the Licensee after her surgery.
4. Patient B underwent surgery at an in-patient facility. She complained that after she was discharged, Patient B made several phone calls to the Licensee's office about post-surgical problems. The receptionist handled all of the telephone calls and did not initially have Patient B speak directly with the Licensee. Finally, Patient B called the Licensee at home and asked to be seen. She was told to go the emergency room.
5. Licensee disputes that either patient received poor follow-up care. He does acknowledge that communication with each patient could have been handled in a more effective and direct manner.

AGREEMENT

In lieu of proceeding to an adjudicatory hearing, the Licensee agrees to the following:

1. The use of office personnel to screen telephone calls in these individual cases was inappropriate.

2. Since receiving notice of the complaints presently pending before the Board, the Licensee has made changes in his office staff in order to more available to his patients. He has a new receptionist. If a patient asks to be seen, the Licensee will see the patient, or will refer the patient to the appropriate specialist.

3. The Licensee will establish an ongoing coverage arrangement with a surgical specialist and provide the Board with documentation of this arrangement. If the Licensee fails to provide coverage for himself, he will immediately notify the Board and be subject to potential disciplinary action.

4. This is a nondisciplinary consent agreement and will not be reported to the National Practitioner Data Bank.

5. The Licensee has been represented by an attorney with respect to the negotiation of this Consent Agreement.

6. The Licensee understands that this Agreement is a final Board order resolving the matters pending before the Board. By executing this agreement, the Licensee has waived all rights to a hearing before the Board or in the Courts or to appeal the matter which is the subject of this agreement, as well as all findings, terms, and conditions of this Consent Agreement.

I, JOHN P. CEDERNA, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE

ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND,
VERBAL, WRITTEN OR OTHERWISE.

DATED: 3/13/00

John P. Cederna MD
JOHN P. CEDERNA, M.D.

STATE OF MAINE
CUMBERLAND, SS.

Personally appeared before me the above-named John P. Cederna, M.D. and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

DATED: 3/13/00

Robert O. Noyes
NOTARY PUBLIC ATTORNEY AT LAW

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 4-6-00

Edward David
EDWARD DAVID, M.D., CHAIRMAN

STATE OF MAINE
DEPARTMENT OF THE
ATTORNEY GENERAL

DATED: 4-6-00

Ruth E. McNiff
RUTH E. MCNIFF
ASSISTANT ATTORNEY GENERAL

APPROVED
EFFECTIVE: 4-6-00